NAVAL POSTGRADUATE SCHOOL
Monterey, California

THESIS

H163745

CIVILIAN CONTROL AND THE AMERICAN MILITARY:
MYTHS AND REALITIES

by

Joseph Bruce Hamilton

December 1987

Thesis Advisor: Frank M. Teti

Approved for public release; distribution is unlimited.

T238950

SECURITY CLASSIFICATION OF THIS PAGE

REPORT DOCUMENTATION PAGE

1a. REPORT SECURITY CLASSIFICATION UNCLASSIFIED	1b. RESTRICTIVE MARKINGS
2a. SECURITY CLASSIFICATION AUTHORITY	3. DISTRIBUTION / AVAILABILITY OF REPORT Approved for public release; distribution is unlimited
2b. DECLASSIFICATION / DOWNGRADING SCHEDULE	
4. PERFORMING ORGANIZATION REPORT NUMBER(S)	5. MONITORING ORGANIZATION REPORT NUMBER(S)
6a. NAME OF PERFORMING ORGANIZATION Naval Postgraduate School 6b. OFFICE SYMBOL (*If applicable*) Code 56	7a. NAME OF MONITORING ORGANIZATION Naval Postgraduate School
6c. ADDRESS (*City, State, and ZIP Code*) Monterey, California 93943-5000	7b. ADDRESS (*City, State, and ZIP Code*) Monterey, California 93943-5000
8a. NAME OF FUNDING / SPONSORING ORGANIZATION 8b. OFFICE SYMBOL (*If applicable*)	9. PROCUREMENT INSTRUMENT IDENTIFICATION NUMBER
8c. ADDRESS (*City, State, and ZIP Code*)	10. SOURCE OF FUNDING NUMBERS PROGRAM ELEMENT NO. / PROJECT NO / TASK NO / WORK UNIT ACCESSION NO.

11. TITLE (*Include Security Classification*)
CIVILIAN CONTROL AND THE AMERICAN MILITARY: MYTHS AND REALITIES

12. PERSONAL AUTHOR(S)
Hamilton, Joseph Bruce

13a. TYPE OF REPORT	13b. TIME COVERED	14. DATE OF REPORT (*Year, Month, Day*)	15. PAGE COUNT
Master's Thesis	FROM _____ TO _____	1987 December	84

16. SUPPLEMENTARY NOTATION

17. COSATI CODES		
FIELD	GROUP	SUB-GROUP

18. SUBJECT TERMS (*Continue on reverse if necessary and identify by block number*)
Civilian Control, Military Reform, National Military Establishment, Joint Chiefs of Staff, German General Staff, Department of Defense.

19. ABSTRACT (*Continue on reverse if necessary and identify by block number*)

This thesis examines civilian control of the American military. It shows that a phobia about losing civilian control of the military establishment has been caused by the misinterpretation of two historical experiences, namely: the American experience of civilian-military relations; and, the German experience of militarism during the First and Second World Wars. A description of the United States National Military Establishment of the twentieth century is included. Discussion of the American experience covers the early Constitutional balance, informal elements and cultural characteristics of the American military, and certain particularly difficult periods during U.S. history. Analysis of the German system shows how the German military was as much subverted from external forces as it was itself subversive. The conclusion made is that the nature of

20. DISTRIBUTION / AVAILABILITY OF ABSTRACT ☒ UNCLASSIFIED/UNLIMITED ☐ SAME AS RPT ☐ DTIC USERS	21. ABSTRACT SECURITY CLASSIFICATION unclassified
22a. NAME OF RESPONSIBLE INDIVIDUAL Frank M. Teti	22b. TELEPHONE (*Include Area Code*) (408) 646-2521 22c. OFFICE SYMBOL Code 56Tt

DD FORM 1473, 84 MAR — 83 APR edition may be used until exhausted. All other editions are obsolete.

SECURITY CLASSIFICATION OF THIS PAGE

☆ U.S. Government Printing Office 1986—606-243

19. (continued) the American military is such that excessive fear of military misuse of power is unwarranted, and that military reform should be based on this concept.

Approved for public release; distribution is unlimited

Civilian Control and the American Military: Myths and Realities

by

Joseph Bruce Hamilton
Lieutenant, United States Navy
B.S., Texas A & M University, 1978

Submitted in partial fulfillment of the
requirements for the degree of

MASTER OF ARTS IN NATIONAL SECURITY AFFAIRS

from the

NAVAL POSTGRADUATE SCHOOL
December 1987

Thesis
H163145
c.1

ABSTRACT

This thesis examines civilian control of the American military. It shows that a phobia about losing civilian control of the military establishment has been caused by the misinterpretation of two historical experiences, namely: the American experience of civilian-military relations; and, the German experience of militarism during the First and Second World Wars. A description of the United States National Military Establishment of the twentieth century is included. Discussion of the American experience covers the early Constitutional balance, informal elements and cultural characteristics of the American military, and certain particularly difficult periods during U.S. history. Analysis of the German system shows how the German military was as much subverted from external forces as it was itself subversive. The conclusion made is that the nature of the American military is such that excessive fear of military misuse of power is unwarranted, and that military reform should be based on this concept.

DUDLEY KNOX LIBRARY
NAVAL POSTGRADUATE SCHOOL

TABLE OF CONTENTS

I. INTRODUCTION ----------7

A. THE PROBLEM AND ITS SETTING ----------7

B. RESEARCH OBJECTIVE ----------12

II. THE NATIONAL MILITARY ESTABLISHMENT: HISTORY AND PROSPECTS OF REFORM ----------15

A. THE CONTEMPORARY NATIONAL MILITARY ESTABLISHMENT ----------15

B. EVOLUTION OF THE NATIONAL MILITARY ESTABLISHMENT, 1903-1947 ----------17

C. A WATERSHED OF REFORM, 1947-1958 ----------23

D. GOLDWATER-NICHOLS ----------31

E. CRITICISMS ----------36

III. THE HISTORICAL AND PERCEPTUAL MISCONCEPTIONS OF THE NEED FOR CIVILIAN CONTROL ----------39

A. THE PHOBIA: ITS CAUSE ----------39

B. THE AMERICAN EXPERIENCE ----------41

1. Early History of Civilian Control in the United States: The Constitutional Balance ----------41

2. Bureaucratic Erosion ----------44

3. The President as Commander in Chief and a Civilian ----------46

a. Lincoln and his Generals ----------48

b. Truman and MacArthur ----------50

4. Lessons Learned from the American Experience ----------51

C. THE GERMAN EXPERIENCE ----------53

1. German Political-Military Affairs in World War One ----------54

2. Versailles, the Inner-War Years, and World War Two ----------56

3. Lessons Learned from the German Experience ----------58

D. THE PHOBIA: ITS EFFECT ----------59

IV. CONCLUSION ----------63

A. THE MYTH DESTROYED ----------63

B. WHY CHANGE IS UNLIKELY IN A NUCLEAR WORLD ----------64

C. THE INFORMAL ELEMENT ----------67

D. CONCLUSION: THE AMERICAN MILITARY-- NOT A THREAT TO THE FREE SOCIETY ----------69

LIST OF REFERENCES ----------72

BIBLIOGRAPHY ----------78

INITIAL DISTRIBUTION LIST ----------83

I. INTRODUCTION

A. THE PROBLEM AND ITS SETTING

The concept of civilian control of the military is so well assimilated into the American national security system that it has become an a priori principle, rarely to be examined in depth and certainly never to be seriously criticized. Evidence of this is seen in the professional training and development of United States military officers who are taught the primacy of civilian control beginning with their first military indoctrination. This is certainly in line with the traditional American ambivalence toward military forces. Generally speaking, many Americans feel that military force is at best a necessary evil, but that it must remain under the firm control of the elected civilian leadership of the country [Ref. 1, p. 4]. Thus, it is not surprising that this concept be firmly cultivated in the minds of the members of the military.

The rationalizations for firm civilian control over the military in a democratic nation such as the United States are twofold. First is the parallel between policy and military strategy based on the Clausewitzian concept of military force as an extension of politics. That is, because military force is a continuation of a larger political goal, it follows that military leaders must be

subordinate to civilian political leaders.[1] Second is the fear that the tool of force will be misused by those military leaders who, for one reason or another, decide to act against the higher political goal of the state. In other words: who will police the police?

The case against firm civilian control manifests itself in the concept that military leaders can most efficiently conduct a campaign when not burdened by a civilian bureaucracy. The question then becomes: How much civilian control should be imposed on military leaders in the prosecution of war?

There is no provision in the United States Constitution for either command or control of the Armed Forces by civilians who are not directly responsible to the electorate. Undoubtedly the larger military questions which have direct impact on the national strategy, economic health, national goals, the issue of peace or war, or eventual survival of the nation must ultimately be decided by constitutional civilian authority. But how far is this policy to be carried? In a scathing article on the subject written during the height of the Vietnam War, one civilian

---

1. Although Clausewitz is clear about the primacy of political ends over military means, he is less helpful when it comes to determining the institutional and organizational arrangements required to ensure that primacy. Clausewitz does recognize that civilian control over the military does not automatically guarantee this primacy.

and Naval Reservist pointed out some of the serious shortcomings of civilian over-control:

> Do untrained civilians, working anonymously, have the right to select the weapon or its fuzing or the number of weapons by which an approved target may be struck? Should civilian authority over military matters be extended so that a commander in the field is told how many pilots he may use on a raid, or that he must attack only north to south? Does civilian authority permit an untrained non-military analyst to decide whether or not a training aircraft has an ejection seat? Or that the student pilot needs only "X" hours flight time, vice the "X + 25" hours the military expert recommends? Should the civilian, who has no knowledge of aircraft structure, fatigue and stress analysis, or engineering and flight experience, be allowed to decide whether an aircraft is safe to fly? Or, whether an obsolescent model of aircraft should be flown in combat over North Vietnam? [Ref. 2, p. 28.]

Some sixteen years later, Senator Barry Goldwater restated the same theme:

> What good does it do to train men and women at out military academies, in our ROTC's and officer-candidate schools, when the knowledge and ability they acquire is never able to be applied because of the overly burdensome restrictions impose by the civilians.
>
> Now, I realize as well as anyone that this country has always respected the supremacy of the civilian over the military. However, up until the last two wars, the civilian control has existed in the policy and goals arena. Until Korea and Vietnam, the professional military has never been hamstrung by conflicting views and advice about tactics and strategy by incompetent civilian managers. [Ref. 3, p. 88.]

A second, and frequently overlooked, argument against firm civilian control is that the American experience has shown that, due to intrinsic cultural proclivities, it is simply not required. American civilization has always displayed a considerable overlap between civilians and those

in uniform.[2] From the early concepts of the militiaman and soldier-citizen to the modern reservist there has always existed a concept that the soldier is part of "We the People" rather than something elite or separate. In the post-World War II era, and particularly since the beginning of U.S. involvement in Southeast Asia in the mid-1960s, this characteristic has perhaps become even more salient. The professional American warrior of today may more often think of himself as being part civilian while the civilian may be more aware of concerns which were in the past of a strictly military nature.

In studying the history of United States civil-military affairs and comparing it to the stated rationale for today's National Military Establishment, certain inconsistencies surface. First, since the constitutional responsibility of the President of the United States is to be Commander in Chief of the nation's armed forces, why have his powers to do so been so effectively eroded by statutory civilian bureaucracy, particularly since World War Two?[3] Second,

---

2. As stated by Morris Janowitz, "Only in the West [United States] was military service...seen as compatible with the duties and rights of citizenship. In fact, military service was defined as an integral aspect of citizenship...." [Ref. 4, pps. 71-72.]

3. For example, why did the National Security Act of 1947 require a Secretary of Defense instead of a Presidential Deputy; why did the 1949 Amendments place the newly-created Chairman of the Joint Chiefs of Staff under the Secretary of Defense vice the President; and, why did the National Security Act of 1958 filter the President's interface with the uniformed military even further by

given that the President is both a civilian and the supreme commander of the military, why is there such a strong impulse to continually strengthen civilian control at lower levels in the hierarchical structure?[4] Third, given that in the history of the United States there has never been a case where the uniformed military questioned or rebelled against the constitutional authority of the President as Commander in Chief,[5] why did statute specifically require a general staff organization (at least for the United States Army) from 1903 to 1947 while that same general staff organization was specifically prohibited by law after 1949?

---

placing the Unified and Specified Commanders under the Secretary of Defense instead of under the Chairman of the Joint Chiefs of Staff?

4. Indeed, why was one of the basic tenants of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 to, "...strengthen civilian authority in the Department..."? [Ref. 5, preamble.]

5. Even the worst cases of friction between military leaders and the President resulted in the maintenance of the President's ultimate constitutional authority. During the War Between the States, Northern General-in-Chief George B. McClellan often expressed his disagreements with President Lincoln in strong, and frequently insulting terms. But when President Lincoln summarily relieved McClellan, the General --who could have seized Washington without opposition-- accepted the relief without question and ran unsuccessfully against Lincoln in the next election. [Ref. 6, p. 20.]

In the case of the disagreements between President Truman and General Douglas MacArthur, there is little doubt that the General was incapable of distinguishing between foreign policy and military operations--the latter being his only rightful domain. Yet, when Truman made the decision to relieve him, MacArthur never questioned the President's Constitutional right to do so. [Ref. 7, pps. 207-210.]

B. RESEARCH OBJECTIVE

It is the purpose of this thesis to examine one particular aspect of national defense, the concept of civilian control of the military, and to determine how any lessons learned may be applied to the current United States National Military Establishment in the interest of providing a better national defense. Further, it will be shown that a phobia about losing civilian control of the uniformed military has been caused by misinterpretation of two historical experiences. The first is the misinterpretation of the American civilian-military experience. The civilian-military relationship, with all of the sociological, cultural, and traditional undercurrents, has not been correctly assessed in evaluating trust and determining the degree of control required for the American uniformed military. The second misinterpretation is the German experience. Failure to properly understand and analyze Prussian militarism and the German General Staff has resulted in a misperception by United States policy-makers that the general staff system itself is inherently flawed and is not a suitable system for a free society. The misinterpretation of these two issues has caused the development of an American National Military Establishment

so unnecessarily constrained that efficient functioning has been diminished.[6]

Although the focus of this study is on the United States National Military Establishment of the twentieth century, some references must be made to earlier periods. Chapter II, although not meant to be an in-depth history of the National Military Establishment, is both historical, and descriptive in nature.

The major theme itself--the misinterpretation of two historical experiences--is explored in Chapter III. Specifically addressed are the issues of constitutional separation of powers, the checks and balances against a military dictatorship, affirmation of the nature of the Presidency being civilian, and the phobia of the general staff system which was born out of studying the German General Staff of the twentieth century.

---

6. It is ironic that a study which suggests that a reduction in civilian control of the military might be in order should be undertaken in the wake of the Iran-Contra scandal. Some soothsayers would indicate that the overzealousness of Lieutenant Colonel North and Vice Admiral Poindexter, two dedicated military officers, shows how easy it is for such misbehavior to be conducted by the uniformed military and thus justifies an even stronger civilian control mechanism. Hopefully the more rational observer will see the case as a failure of policy rather than a failure of the system. Indeed, the final analysis of "Irangate" may show that an over-controlled and languorous bureaucracy may have actually provided the impetus for such mischief. As well, Poindexter and North, although wearing uniforms, were serving as part of an institutionally civilian National Security Council and may have therefore been in effect not military personnel.

The concluding chapter summarizes why the phobia of military usurpation of power is a myth and points out why reduction in civilian control over the military is unlikely to occur. Further, it explores the informal element of the American military and concludes that the American military system--with or without a great deal of legislated civilian control--is not a threat to the free society.

II. THE NATIONAL MILITARY ESTABLISHMENT: HISTORY AND PROSPECTS OF REFORM

A. THE CONTEMPORARY NATIONAL MILITARY ESTABLISHMENT

The National Military Establishment as it exists today is headed by the President and the Secretary of Defense who constitute the National Command Authorities (NCA). As Commander in Chief the president sits at the pinnacle of the organizational pyramid. The Secretary is available to run the organization for the President to the degree the President so desires.[1] Under the Secretary of Defense are two complementary structures: one administrative and one operational.

The administrative side consists of the military Departments (the Department of the Army, the Department of the Navy, and the Department of the Air Force), the defense agencies, and the largely civilian Office of the Secretary of Defense (OSD). By law the military Departments are not allowed to become involved in operational matters. Basically, their function is to organize, train, and equip

1. The character of the man who is president is probably more important than the statutory structure of the organization. A president can use the Secretary of Defense in whatever capacity suits his style. No two presidents have been alike in their personalities and decisions on how to employ their cabinet members. Examples of differences in style can be found in Refs. 8, 9, & 10.

forces for assignment to the unified and specified commands (operational commands). Each Department is headed by a civilian Secretary, who supervises the Service Chief (or Chiefs in the case of the Navy) in matters of a Departmental nature.

The operational side of the National Military Establishment consists of unified and specified commands, each headed by a Commander in Chief (CINC) who reports to the National Command Authorities. Strictly speaking, the operational chain of command runs from the NCA through the Joint Chiefs of Staff to each of the CINCs. It is crucially important to note, however, that, as established by law, the Joint Chiefs of Staff have no command authority. In effect, the Joint Chiefs provide a channel of communication between the National Command Authority and the CINCs. Other than this, the Joint Chiefs of Staff function to prepare strategic plans and advise the National Command Authorities. In their role as principal military advisors to the President, Secretary of Defense, and National Security Council, and as immediate military staff to the Secretary, the Joint Chiefs of Staff provide collective advice and expertise on all national security matters that may have military implications. They do not, as emphasized by law, act as a general staff over the armed forces.[2]

---

2. The law is exactingly specific on this subject. 10 USC 155, subsection (e), which describes the duties, structure and authority of the Joint Staff, reads as

Figure 1 shows how military forces in the field receive inputs from both sides of the Defense structure. Operational orders and commands are imposed via Commanders in Chief of the unified and specified commands. Support and service oriented requirements and instructions are administered through the military Departments with their Department Secretaries and Service Chiefs.[3]

B. EVOLUTION OF THE NATIONAL MILITARY ESTABLISHMENT, 1903-1947

Although the National Military Establishment as it exists today is a direct result of the National Security Act of 1947, the system actually has roots much deeper.

The first significant "reorganization" of the armed forces occurred with the passage of the Army Reorganization Act of 1903. This act marked the beginning of a dichotomy

---

follows:

> PROHIBITION OF FUNCTIONS AS ARMED FORCES GENERAL STAFF. The Joint Staff shall not operate or be organized as an overall Armed Forces General Staff and shall have no executive authority. The Joint Staff may be organized and may operate along conventional staff lines. [Emphasis added.] [Ref. 5, section 201]

3. The Service Chiefs are often said to "wear two hats". As members of the Joint Chiefs of Staff, they are responsible for their advisory functions. As the Chiefs of their military Services, they are responsible to their Service Secretaries for management of the Services. The Service Chiefs serve four years. By custom, the Vice Chiefs of the Services are delegated authority to act for their Chiefs in most matters having to do with day-to-day operations of the Services. [Ref. 11, p. 2-8.]

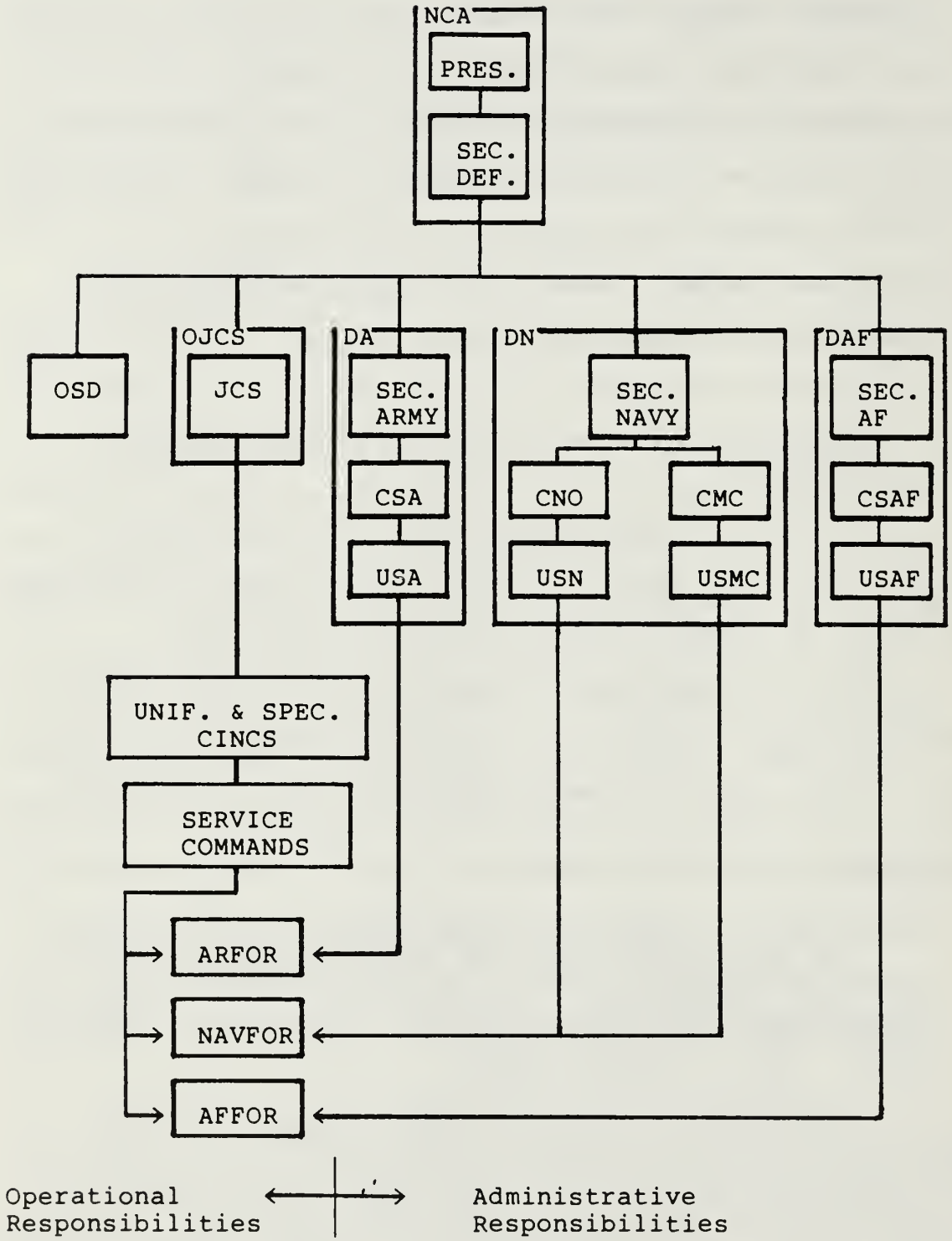

Figure 1: Organizational Relationships of the Department of Defense (Adapted from Ref. 11.)

between the two historic Services, the Army and the Navy, which has continued to today.

The 1903 legislation established, in the Army, a general staff system.[4] Secretary of War Elihu Root used, as his chief source of ideas, the German military system.[5] The system was "line" in nature, with a division between peacetime and wartime. During peacetime the Army chain of command ran from the President to the Secretary of War to the Chief of Staff, and finally to the field commanders. During wartime the system remained the same except that the Chief of Staff was bypassed.

The Navy, on the other hand, retained the "line" concept both during peace and war. The Navy's General Board was established in a similar vein to the Army's General Staff (although it was non-statutory). The General Board,

---

4. Public Law 57-553 of February 14, 1903 established, in the Army, a General Staff Corps:

> AN ACT TO INCREASE THE EFFICIENCY OF THE ARMY
> Be it enacted by the Senate and House of Representatives of the United Stated of America assembled, That there is hereby established a General Staff Corps, to be composed of officers detailed from the Army at large, under such rules as may be prescribed by the President.
> Section 2. That the duties of the General Staff Corps shall be to prepare plans for the national defense and for the mobilization of military forces in time of war.... [Ref. 12.]

5. Secretary Root's leading assistant on reorganization, Major William Harding Carter, drafted a list of specific general staff duties [Ref. 13, p. 333]. It was essentially a verbatim copy of German Chief of Staff Schellendorf's general staff functions as enumerated in his book Duties of the General Staff [Ref. 14, p. 204].

however, was used exclusively as a formal system of counsel on the overall needs of the Service in the area of war plans and war preparations and was never placed in a "line" role.[6]

The entry of the United States into the First World War found the Navy more prepared, both materially and organizationally, than the Army. Partially as a result, the established Army's military operations chain of command was reduced to a direct link between President Woodrow Wilson and General Pershing, the Commanding General of the American Expeditionary Forces.[7] Thus World War I set the mark of permanency upon the Army General Staff, not for its military operations, but for its managerial functions. [Ref. 16, p. 43.]

By 1920 both the Army and the Navy had become committed to maintaining a post-war status quo where the Service Secretaries and Service Chiefs of Staff maintained tenuous, but stable, alliances. These alliances were consolidated in

---

6. Secretary of the Navy John D. Long authorized the General Board in 1900. He insisted, however, it not be given executive authority. Secretary Long undoubtedly feared that excessive power in the hands of the war planners would lessen his control. [Ref. 15, pp. 1-22.]

7. President Wilson made little use of the War Department in military functions. He ratified the selection of General Pershing; he insisted that American troops fight as organized units in Europe; he took an active part in wartime diplomacy; and he resisted Congressional efforts to reduce his authority in the administration of the governments's war activities. [Ref. 16, p. 38.]

the National Security Act of 1920.[8] It was at this point that the first talk of Service unification occurred. A proposal was made in 1921 to place the two armed Services under a single executive agency, a Department of National Defense.[9] Opposition to unification was so strong, however, that the recommendation was never incorporated.[10]

U.S. entry into World War II found the two Services organized on much the some principles that had been in effect at the end of World War I. The need for closer cooperation by the Services due to a two-front war, and more significantly, in order to present a unified policy and strategy front to the British allies, pressured the two Services toward integration. Thus on December 11, 1941, President Roosevelt concurred informally in the proposal of

---

8. The 1920 Act, Public Law 66-227, was actually an amendment to the more encompassing 1916 Act, Public Law 64-134. The purpose of the "Army Reorganization Act of 1920" was,"An Act for making further and more effectual provisions for the national defense, and for other purposes." [Refs. 17 & 18.]

9. Frank Willoughby of the Institute for Government Research (later, the Brookings Institution) wrote a series of proposals for reorganizing the federal administration. These proposals were based upon a business oriented approach to management and included the military establishment. [Ref. 16, pp. 87-88.]

10. The Army opposed the reform because it would replace the Secretary of War with a single civilian Secretary for the entire Department of National Defense, thus destroying the Secretary-Service Chief alliance. The Navy opposed reform because its strategy-oriented identity as a Service would be jeopardized by the principle that the Army and the Navy performed a command function. [Ref. 16, p. 92.]

his military commanders that they be united in "The United States Joint Chiefs of Staff." [Ref. 19, p. 15.]

The Joint Chiefs of Staff held their first meeting on February 9, 1942. For several months afterwards, their composition varied in response to changes in the organization of the Army and the Navy. By mid-1942, JCS membership had become fixed as: the Chief of Staff, U.S. Army; the Commander in Chief, U.S. Fleet and Chief of Naval Operations; The Commanding General, U.S. Army Air Forces; and the Chief of Staff to the President.[11] Their task was to provide strategic advice and direction for the United States military effort. They advised the President with respect to war plans and strategy, military relations with allied nations, the manpower and material needs of the armed forces, and matters of joint Army-Navy policy. The Joint Chiefs of Staff was an organization which was to become the kingpin of unification in the post-war years.[12]

---

11. Respectively they were General George C. Marshall, Admiral Ernest J. King, General H. H. Arnold, and Admiral William D. Leahy. [Ref. 20, p. 3.]

12. The World War II Joint Chiefs of Staff was not the first attempt at Service "jointness." In 1903 a Joint Board, consisting of four senior officers from each Service, was established in an effort to provide a continuing body which might produce plans for joint operations and resolve problems of common concern to the two Services. Without any actual authority, however, the Joint Board accomplished little and had little or no impact on the First World War. Although its 1935 publication, Joint Action Board of the Navy, provided some guidance for the unified operations of World War II, the board itself was not a significant influence. It was officially disbanded in 1947. [Ref. 11,

C. A WATERSHED OF REFORM, 1947-1958

As early as 1943, studies began on the subject of post-war Service unification of a more permanent and statutory nature.[13] Before the Congressional Hearings which began in the fall of 1946, four major studies had been conducted on military reform, each having significantly different recommendation.[14] Subsequent to the 1946-1947 hearings, the National Security Act of 1947 was enacted. It marked the most dramatic turning point in U.S. defense establishment organization to occur since 1903.

The main purpose of the National Security Act of 1947 was to unify the National Military Establishment and give it the capability to coordinate individual Service matters.[15]

---

p. 2-3.]

13. In October, 1943 a report of the Post-War Policy Committee of the Joint Chiefs of Staff recommended "a United States General Staff, with a single Chief of Staff answerable to the President," superimposed on the existing two Departments. [Emphasis added.] [Ref. 16, p. 189.]

14. These studies were the results of : The Woodrum Committee; The Richardson Committee; The Eberstadt Report; and The Collins Plan. [Ref. 16, pps. 186-226, & Ref. 19, pps. 27-49.]

15. Specifically, the purpose of the 1947 Act was:

> TO PROMOTE THE NATIONAL SECURITY BY PROVIDING FOR A NATIONAL DEFENSE ESTABLISHMENT, which shall be administered by a Secretary of Defense, and for a Department of the Army, a Department of the Navy, and a Department of the Air Force within the National Defense Establishment, and for the coordination of the activities of the National Defense Establishment with other Departments and Agencies of the Government concerned with the National Security. [Ref. 21.]

Although the Department of Defense as an organizational entity was not to be created until two years later, a Defense Secretary headed the National Military Establishment and was a member of the President's cabinet (the Service Secretaries retained their cabinet status as well). Other key elements of the act included the establishment of the Department of the Air Force and codification of the Joint Chiefs of Staff and the Joint Staff.

Philosophically, the law possessed three critical elements. First, it rejected the concept of a single uniformed officer superior to all others. Second, it prescribed that the Defense Secretary establish general policies and programs, exercise general direction, authority, and control, and supervise and coordinate the preparation of the budget estimates of the departments and agencies within the National Military Establishment.[16] Third, the law placed the Joint Chiefs of Staff under the President and Secretary of Defense and gave them a clear mandate to provide for the strategic direction of the military forces.

---

16. Clearly, the law envisaged the Defense Secretary as a broad coordinating functionary and not as direct overseer of the detailed administrative, planning, and applicatory activities of the several Military Departments or of the combatant actions of the fighting forces. [Ref. 19, p. 49.]

Between 1947 and 1949, the Joint Chiefs of Staff were embroiled in controversy over the missions assigned to the Services. A compromise--the "Key West Agreement"--helped to clarify JCS authority.[17] Thereafter, it was understood that the Joint Chiefs of Staff responsibility for providing "strategic direction" of the armed forces would include the "general direction of all combat operations."

The first major modification of the 1947 Act occurred in 1949. It was a result of difficulties encountered with both civilian and military organization. On the civilian side, Secretary of Defense James Forrestal did not possess the strong degree of authority required to run the defense establishment. One of the key difficulties was the competitive nature of the Service Secretaries, all of whom were Cabinet members. On the military side, the lack of a permanent Chairman of the Joint Chiefs of Staff was detrimental to effective and coordinated JCS action. Clearly "rule by committee" did not work in either the civilian or uniformed defense organization.

The 1949 revision of the National Security Act greatly broadened the functions and powers of the Secretary of Defense while reducing the powers of the Service Secretaries

17. The "Key West Agreement" was a result of discussions between Secretary of Defense James V. Forrestal and the Joint Chiefs of Staff held at Key West, Florida, April 26, 1948. The Agreement is printed in Ref. 22, pp. 807 ff.

and removing their cabinet status. In addition to defining the Department of Defense, the 1949 revision also established a Chairman of the Joint Chiefs of Staff, a military officer superior to all others, although his power was still significantly limited.

A key element in the passage of the 1949 Act was controversy over the civilian control issue. In the Congressional hearings on the draft legislation there arose significant opposition to the proposed Chairman. The opposition was based on fears of a single or "Prussian" chief of staff who would wield excessive power.[18]

The legislation eventually passed, becoming the "National Security Act Amendments of 1949." The result of that fears of excessive powers had on the Act becomes evident by comparing "Section 2--Declaration of Policy" of the 1947 Act to that same section of the 1949 Amendment. The 1947 Act reads:

> In enacting this legislation, it is the intent of Congress to provide a comprehensive program for the future security of the United States;...to provide for the effective strategic direction of the armed forces and for their operation under unified control and for their integration into an efficient team of land, naval, and air forces. [Ref. 21, Section 2.]

---

18. For examples of fears expressed during Congressional hearings regarding the proposed Joint Chiefs of Staff Chairman, see Ref. 23, pp. 2716-2718, 2733-2736, 2740-2741, 2836-2839, 2847, 2860, & 2873-2874.

The 1949 Amendment reads:

> In enacting this legislation, it is the intent of Congress to provide a comprehensive program for the future security of the United States;...to provide for the effective strategic direction of the armed forces and for their operation under unified control and for their integration into an efficient team of land, naval, and air forces but not to establish a single Chief of Staff over the armed forces nor an armed forces general staff. [Emphasis added.] [Ref. 24, Section 2.]

The next major Defense Department reform was to occur during the early years of the Eisenhower administration. Dwight D. Eisenhower was dissatisfied with the dual responsibility of the Service JCS members, as advisors and planners and as heads of their respective Services. He also felt the need to strengthen civilian control.

One of his early acts of 1953 was to make non-statutory changes to the National Military Establishment, particularly with respect to the roles of JCS members. Under the 1953 plan the Joint Chiefs of Staff were removed from corporate command responsibility. The line of command was to run from the President to the Secretary of Defense, thence to the civilian Secretaries of the military Departments. JCS members would no longer be designated as executive agents for the direction of the unified commands. The JCS would become a planning and advisory body. According to President Eisenhower, these changes were expected to strengthen civilian control of the armed forces. [Ref. 25.]

The most sweeping change in National Military Establishment organization since 1947 occurred with the

"Department of Defense Reorganization Act of 1958." President Eisenhower, during his second term, announced the new plan as a logical culmination of the unification process begun in 1947. His reasoning was:

> Separate ground, sea, and air warfare is gone forever.... Strategic and tactical planning must be completely unified, combat forces organized into unified commands...singly led and prepared to fight as one, regardless of Service. The accomplishment of this result is the basic function of the Secretary of Defense, advised and assisted by the Joint Chiefs of Staff and operating under the supervision of the Commander in Chief. [Ref. 26.]

The 1958 Act absorbed all combat forces into the unified and specified commands, which were placed under the immediate direction of the Secretary of Defense. The Service Departments were taken out of the chain of command and limited to training, administration, and logistics roles. The Joint Chiefs were back in the operational picture but only in the sense that they constituted the Secretary of Defense's military staff to assist him in directing the commands. Orders were to be issued by the JCS under the authority and in the name of the Secretary of Defense. The actual chain of authority would pass from the President to the Secretary of Defense to the CINCs of the unified and specified commands. The Joint Chiefs of Staff, from then on, would bear little similarity to the organization as it existed at the close of the Second World War.

Of significant interest in the 1958 Act was addition of a specific statement on the organization of the Joint Staff. A subparagraph to a paragraph clarifying the organization and duties of the Joint Staff reads:

> The Joint Staff shall not operate or be organized as an overall Armed Forces General Staff and shall have no executive authority. The Joint Staff may be organized and may operate along conventional staff lines to support the JCS in discharging their assigned responsibilities. [Ref. 27, para. 143(d).]

Again the fear of "Prussian" styled militarism impacted the legislation, just as it had raised its head in the 1949 Act.

Passage of the 1958 legislation set the stage for successive Secretaries of Defense to remodel the National Military Establishment without further statutory changes. The period 1958 to 1986, marked primarily by the turbulence of the Vietnam War, was significantly influenced by Robert S. McNamara, Secretary of Defense from 1961 to 1968. According to one observer McNamara was "A devotee of quantification ... he surrounded himself with like-minded people who sought to translate the problems of his office--fiscal, development, administrative and operational--into numerical terms, to the frequent frustration of military commanders." [Ref. 19, p. 83.] His well-known Planning-Programming-Budgeting System (PPBS) was developed in order to more closely relate the defense budget to strategy. In order to better advance force structuring proposals of his own, McNamara provided himself with his own

civilian staff unit, the Office of Systems Analysis, ultimately headed by an Assistant Secretary. [Ref. 20, p. 21.]

Like Mr. McNamara himself, many of the non-statutory changes made during his tenure came under intense criticism. His lack of practical knowledge of military affairs and general mistrust of military professionals, coupled with his unusual acuity, strong conviction, and decisiveness, resulted in his detailed personal involvement in military professional matters [Ref. 19, pp. 83-84]. It was during his tenure that the Office of the Secretary of Defense became more willing to override the recommendations of the Joint Chiefs of Staff on the basis of civilian advice.[19]

The policy and procedural changes of the defense organization, begun under Mr. McNamara and perpetuated by succeeding administrations, were particularly detrimental to military organization and command [Ref. 19, p. 101]. It was not until almost a decade after the end of the Vietnam War, however, that serious action towards statutory change designed to correct these problems began to take place.

---

19. In fairness to Mr. McNamara there were many deficient areas within the Department of Defense which he should receive credit for correcting. His forte was primarily in weapons acquisition, budgeting, and systems analysis techniques and he was responsible for the defense acquisition process and the Planning Programming and Budgeting System still in use today. See Ref. 28, pps. 17-22 and Ref. 29.

D. GOLDWATER-NICHOLS

On February 3, 1982, General David C. Jones, the Chairman of the Joint Chiefs of Staff, in a hearing before the House Armed Services Committee, announced his concern about the basic shortcomings in the organization of the Joint Chiefs of Staff. Subsequently, his remarks were amplified by remarks from General Edward C. Meyer, the Army Chief of Staff, who suggested that the Chairman had not gone far enough in his recommendations for change. The public expression of these views by two incumbent members of the Joint Chiefs of Staff renewed serious consideration of the strengths and weaknesses of the institution of the Joint Chiefs of Staff and eventually led to a much broader examination of the organizational and procedural problems of the entire Department of Defense. A multitude of bills were introduced in both the House of Representatives and the Senate concerning Joint Chiefs of Staff reform[20] and between July 1985 and June 1986 a major study of the defense establishment was undertaken. This study, conducted by the President's Blue Ribbon Commission on Defense Management,[21]

20. For detailed legislative history see Refs. 30, 31, 32 & 33. For statements of Generals Jones and Meyer see Ref. 34.

21. The Commission, headed by Mr. David Packard, consisted of experienced military and civilian defense experts. The recommendations on military organization and command were only a part of the final report, which also included recommendations of Budgeting, Acquisition and Government-Industry Accountability. [Ref. 35.]

produced recommendations on military organization and command which were incorporated into HR 3622. This bill became Public Law 99-433, the "Goldwater-Nichols Department of Defense Reorganization Act of 1986,"on October 1, 1986. Its purpose was to modify the amended 1947 Act in order:

> (1) to reorganize the Department of Defense and strengthen civilian authority in the Department;
> (2) to improve the military advice provided to the President, the National Security Council, and the Secretary of Defense;
> (3) to place clear responsibility on the commanders of the unified and specified combatant commands for the accomplishment of missions assigned to those commands;
> (4) to ensure that the authority of the commanders of the unified and specified combatant commands is fully commensurate with the responsibility of those commanders for the accomplishment of missions assigned to their commands;
> (5) to increase attention to the formulation of strategy and to contingency planning;
> (6) to provide for more efficient use of defense resources;
> (7) to improve joint officer management policies; and
> (8) otherwise to enhance the effectiveness of military operations and improve the management and administration of the Department of Defense. [Ref. 5, section 3.]

The legislation amended title 10 of the United States Code, providing changes in the principal organizational elements of the Department of Defense. Title I modified the authority of the Secretary of Defense to reorganize the Department of Defense. It also required the Secretary to conduct a study of the functions and organizations of the Office of the Secretary of Defense.[22]

---

22. The study [Ref. 36] was not evaluated in this thesis.

Title II contained the most sweeping changes in command structure. It more specifically defined the role of the Chairman of the Joint Chiefs of Staff in advising the President, the Secretary of Defense, and the National Security Council and in heading the Joint Chiefs of Staff, as well as gave the Chairman authority over the Joint Staff. A new position, the Vice Chairman of the Joint Chiefs of Staff, was created and was designated senior to the members of the Joint Chiefs of Staff other than the Chairman. The bill strengthened the authority and responsibility of the unified and specified commanders, for example, by giving the CINCs the power to organize their commands, the power to select and relieve subordinate commanders, and a greater input to the annual Defense budget process.

Title IV was designed to improve the quality and experience of officers serving in joint roles. It established a new "joint specialty" and delineated specific requirements that each Service provide a percentage of its best officers for this role. It also mandated educational requirements for the joint officers and provides for their promotions. A critical part of this title was that it required flag officers to be selected only from the pool of those who have the joint specialty.

It is enlightening to compare the Goldwater-Nichols Act to the original reform proposals enumerated by Generals Jones and Meyer in 1982. In his statement of April 21, 1982

before the Investigations Subcommittee of the House Armed Services Committee, General Jones recommended five changes to the National Military Establishment. [Ref. 34, pps. 58-59.] First, "The Chairman, rather than the Joint Chiefs of Staff as a body, should be designated the principal military advisor to the President, the Secretary of Defense, and the National Security Council." Second, "The Secretary of Defense or the President would continue to seek the corporate advice of the Joint Chiefs of Staff on subjects they deem appropriate." Third, "Each Service Chief would have the right to submit his individual views and recommendations directly to the Secretary of Defense, and to the President as appropriate, on any joint issue on which that Chief had particularly strong feelings." Fourth, "A Deputy Chairman of four-star rank should be authorized to assist in carrying out the Chairman's responsibilities." Fifth, "The Joint Staff should be made responsible directly to the Chairman rather than to the Joint Chiefs of Staff as a body." Goldwater-Nichols specifically included all five of General Jones' recommendations.

General Meyer's recommendations on the other hand, made on the same day at the same hearings, were not as well incorporated into the bill. Meyer's made six recommendations. [Ref. 34, p. 6.] First, "Separation of the Service Chiefs from the day to day operations of the Joint Staff." This recommendation was only partially

accomplished, oddly enough, by removing the authority of the Service Chiefs over the Joint Staff. Second, "Creation of a separate body of senior officers to deal with the day to day operational issues as well as the issue of allocation of resources among Services to create a more balanced warfighting capability." This recommendation was not incorporated. In fact, the only existing joint body of senior officers, the Joint Chiefs of Staff, was given even less of a role in resource allocation in deference to the unified and specified commanders. Third, "Increase the role of the Chairman...as the primary provider of military advice concerning inter-Service capabilities and requirements." Goldwater-Nichols did accomplish this recommendation which was the same as General Jones' first recommendation. Fourth, "Increased role of unified commanders in resource determination and allocation and in development of contingency plans." Again, this proposal was incorporated at the expense of Joint Chiefs of Staff inputs in the same arena. Fifth, "Decreased role for civilians below the level of Secretary of Defense in providing military input on national security issues." Of all his proposals, this one was the least accepted. Indeed, just the opposite was accomplished as evidenced by the policy statement of the Act itself: "...to reorganize the Department of Defense and <u>strengthen</u> civilian authority in the Department." [Emphasis added.] [Ref. 5, Section 3.]

The sixth proposal, "Improved role for Service Secretaries and Service Chiefs in determining organizations, equipment, and tactics most effective for their Services," was incorporated into the legislation.

E. CRITICISMS

There remain serious questions about whether the latest legislation will in fact lead to improvements in the organization and functioning of the Department of Defense or whether, in fact, it will make the situation worse. The Act will produce a significant shift in power and authority. The Service Secretaries and Service Chiefs will lose power; the CINCs and the Chairman of the Joint Chiefs of Staff will gain it. Still, certain fundamental problems will continue to plague the National Military Establishment which will not be corrected by Goldwater-Nichols.

There continues to be an absence of coherent, consistent, and workable strategic planning and an inefficient operational chain of command. This results, at least in part, from micro-management by civilian leadership below the level of the President. A number of weaknesses in both the uniformed military and the Office of the Secretary of Defense require corrections. As pointed out by House

Armed Services Committee staffer Archie D. Barrett, they include,

> ...ineffectual military participation in OSD policy formulation; insufficient delegation to operating levels of the Department; imprecise delineation of authority between OSD and the military Departments; weak evaluation capability in OSD; inattention to output measures such as joint warfighting or readiness capabilities in resource allocation decisions; and absence of cohesion and teamwork among constituent elements of the Department. [Ref. 37, p. 52.]

In order to correct these deficiencies the Office of the Secretary of Defense must be removed from the professional area of warmaking, which is the proper function for the uniformed military.[23] Military plans should be made by military officers who have the experience and formal training to conduct such professional military matters. To complement this the operational command and authority must pass unimpeded from the President to the fighting forces via the senior military staff (or, as is presently established, the Joint Chiefs of Staff). The role of the civilian Secretary should be to make the logistic, fiscal, budgetary and administrative side of the National Military Establishment work--not to plan or conduct military operations. What is being suggested is consideration of the

---

23. The law holds the Secretary of Defense, a civilian executive, responsible for professional military matters which, for the most part, are beyond his competence. It is therefore not surprising that Defense Secretaries frequently have involved themselves directly with technical military actions where lives were at risk such as target selection, troop deployments, or ship dispositions. A multitude of horrifying examples can be found in Ref. 19, Chapter V.

return to the General Staff concept; an organizational system which gives uniformed military professionals the mandate to plan and conduct war and gives the civilian defense personnel the responsibility to manage budgets, procurement and the other business oriented actions required to support the National Military Establishment.

It is evident, however, that legislators have no intention of reforming the National Military Establishment to improve its efficiency and effectiveness as a warfighting entity by making such a fundamental institutional change. The bugaboo, the paranoia, which lurks in the minds of anti-reform advocates is the fear of losing civilian control over the military forces. As long as this one issue continues to dominate all discussion and thought on the issue of reform, it is highly unlikely that any real progress will be made. Rather, only small, relatively unimportant, shifts, such as seen in the Goldwater-Nichols Act, will continue to occur at periodic intervals.

III. THE HISTORICAL MISINTERPRETATIONS OF THE NEED FOR CIVILIAN CONTROL

A. THE PHOBIA: ITS CAUSE

Apprehension of losing civilian control over military forces has been, and continues to be, the dominant topic of discussion concerning military organizational reform.[1] This stems mainly from the fear of the possible misuse of military force. A military force in control of its own destiny is perceived, and rightly so, as dangerous to a civilian democratic society. Too much military autonomy raises all sorts of dread potentials for right-wing coups or

---

1. For example, in making recommendations to the Congress on the National Security Act Amendments of 1949, the Study Commission chairman wrote:

> Throughout its history, the United States has been fearful of military cliques and has thrown up safeguards against this threat to democratic government. Under the Constitution, we have subordinated the military to civilian control by making the President Commander in Chief of the armed forces, and by installing civilian secretaries to direct the departments.
>
> ...the Nation must make very sure that means of exercising civilian control are strong and effective. We repeat, that under these circumstances, we must hold the military rigidly accountable to the President, the Congress, and the people. We must do this not only to safeguard our democratic principles against militarism, but to ensure that military policy shall be in close accord with national needs.... [Ref. 38, pp. 2-3.]

left-wing takeovers. The fundamental American premise has always been civilian control of the military.[2]

In the past four decades, however, the rational and logical justifications for the primacy of the civilian over the military have been transformed into a phobia about losing civilian control. Since World War Two practically every document, Congressional hearing, book, magazine article, official government publication, and position paper on the subject has stated that the principle of civilian control is fundamental to the safe maintenance of the United States National Military Establishment.[3]

This phobia has been caused by the misinterpretation of two historical experiences. The first is the American civilian-military experience. In assessing the need for strong civilian control, the tradition of the American military and its exceptional allegiance to the electorate and United States Constitution has not been properly

---

2. The principle of civilian control over the military in the United States has never been a matter of dispute in the Republic. Indeed, the principle has been meticulously observed by top military leaders since June 16, 1775, when George Washington accepted the appointment by the Continental Congress to become the Commander in Chief of the United Colonies. But if the principle and the concept of civilian control have not been subject to dispute or controversy, there has been considerable question and argument over just what is meant by the term "civilian control," what it encompasses, who are the civilians who exercise it, and how it is exercised. [Ref. 6.]

3. Based on the author's review of documents listed in the References and Bibliography sections of this thesis.

evaluated. Overlooked have been the sociological, cultural, and traditional factors which have effectuated the flawless record of loyalty held by the American military.

The second historical misinterpretation comes from the German experiences during World Wars One and Two. In the wake of World War Two there has been a failure to properly understand and analyze the German general staff system and its associated Prussian militarism. In studying the German system American policy-makers have developed the incorrect perception that the general staff system itself is somehow inherently flawed and is a threat to a free society. This misconception has been the catalyst for the American military reform movement which began in 1947 and has continued to the present. An analysis of these two experiences shows how the historical misinterpretations are indeed invalid.

B. THE AMERICAN EXPERIENCE

1. Early History of Civilian Control in the United States: The Constitutional Balance

The precedent for civilian control in the United States was the relationship between George Washington and the Continental Congress. The Congress appointed Washington Commander in Chief of the Republic but retained, as the supreme civilian authority, the right to dismiss him. Washington never forgot that he and the other military men

of the Republic were the servants to the civilian Congress and that the ultimate governmental authority lay there. In the post-Revolution period it was evident to the founding fathers that it would have been possible for the country to have emerged from the Revolution as a military dictatorship had a man different than Washington been Commander in Chief. [Ref. 6, p. 19.]

The leaders of the revolution and intellectuals of the time had first hand experience with the misuse of force by government. They also knew that historically, the ones controlling the power of the military force could, and usually did, soon become despots; Oliver Cromwell's power as Lord Protector of England during the Commonwealth, 1553 to 1558, being a prime example.[4]

It was thus incumbent upon the writers of the Constitution[5] to design a system of checks and balances which would prevent the usurpation of military power and

---

4. The Anglo-American tradition of civil-military relations goes back at least to Oliver Cromwell. Cromwell's professional army and military dictatorship made a great impact on British political thinking and subsequently American thinking. Both have been marked since that time by an insistence on subordination of the military to the civilian element of government, as well as an acute suspicion and rejection of any proposal for concentration of military authority that might lead to modification of the traditional military-civilian relationship. [Ref. 14, p. 132.]

5. James Madison being one of the most influential and significant.

subsequent tyranny by one individual or arm of government.[6] In order to accomplish this, power was split between the executive and legislative branches of the government. The executive branch, centered around the President, was assigned the responsibility of commanding troops in battle. In fact, the President was given the title "Commander in Chief" for precisely this reason. The Constitution also tasked the executive with the making of foreign policy, including the negotiations of treaties.

Directly balancing executive power was the legislature. Congress, although it did not fight wars, was given the singular responsibility of declaring them. It was also given the power to pay for them; an even more important function in prolonged conflicts. In the foreign policy arena, the legislature, in particular the Senate, was given the authority to ratify treaties.

The framers of the Constitution felt this division of power was both necessary and adequate to effectively defend the United States in war and simultaneously prevent misuse of military power by a tyrant who might find his way into the Presidency.[7] It was generally agreed that a

---

6. This concept is still alive today as evidenced by Senator Sam Ervin's statement at the Watergate Hearings that, "One of the great advantages of the three separate branches of government is that it is difficult to corrupt all three at the same time." [Ref. 39.]

7. Concerns were expressed in Federalist Papers 24, 26, 29, 41, 49, 67, 69 and others. [Ref. 40.]

strong, centrally controlled, single minded body was best suited to conducting foreign relations and war fighting. The executive branch was therefore designed for this function; the President being the voice which provided the requisite control and single mindedness.

The potential for misuse of executive power was balanced by the powers given to the legislature. It was recognized that the mechanics of Congress--that is to say, its multiple opinions and necessity to resolve procedures by voting--prevented its being able to effectively conduct foreign policy or fight wars. Congress was intended to be a legislative, not an administrative or executive, body.

2. Bureaucratic Erosion

Failure of this balanced system by Congressional appropriation of executive branch roles was a concern even as the ink of the Constitution was drying. How easy would it be to convert Congress from a legislative to an administrative body? With uncanny prescience, Thomas Jefferson was alert to this temptation two centuries ago. Augmenting Madison's assertion, in The Federalist, that, "The tendency of republican governments is to an

aggrandizement of the legislature at the expense of the other departments," he wrote,

> It has been the source of more evil than we have experienced from any other cause. Nothing is so embarrassing nor so mischievous, in a great assembly, as the details of execution... because they in fact place us as if we had no federal head, by diverting the attention of that head from great to small objects. [Refs. 40 and 41.]

Were Jefferson alive today be would almost certainly have mixed emotions about the accuracy of his prediction. In modern times it is easy to lose sight of the original balanced design of the Constitution and why it was designed in such a way. Congressional action in recent years has eroded executive control over foreign relations and military security interests in an unprecedented manner.[8]

Even with the erosion of Executive power over the armed forces that occurred, the military as a whole remained relatively free from micro-management by civilian bureaucracy between 1787 and 1947. As was pointed out in Chapter II, the chain of command between the President and the operating forces was relatively clear (although layers were occasionally bypassed) and the Army and the Navy had

---

8. For example, the National Commitments Resolution, the Case Amendments and other legislation extending Congressional control beyond treaties to executive agreements, the War Powers Resolution, the Hughes-Ryan Amendment and subsequent acts relating to intelligence oversight, the Ethics in Government Act (usurping from the Justice Department the power to prosecute high-ranking federal officials), and the proposed Arms Export Reform Act are some examples of how executive branch Constitutional powers have been usurped by Congress. [Ref. 41.]

enough control over their own destinies to retain the required degree of efficiency without sacrificing their subservience to the civilian government.

3. The President as Commander in Chief and a Civilian

Despite bureaucratic erosion, the methods of execution, control, and checks and balances established by the U.S. Constitution allowed the nation to flourish and remain a free and democratic republic. At no point in United States history has there been any hint of a military coup or insubordination--even during wartime, the most stressful periods.[9]

The situation as it existed prior to 1947 was adequate to ensure civilian control.[10] Ultimate executive authority vested in the President, unquestionably a civilian.[11] The Constitutional balance opposite the

---

9. See p. 52.

10. 1947 marks the start of the "watershed of reform" period beginning with the 1947 National Security Act and subsequent modifications thereto and culminating the the Goldwater-Nichols Act. These measures drastically increased civilian control at the expense of the degree of military control which had been proven safe to the nation and necessary for efficient operation of the armed forces (e.g., by implementing such things as specific prohibition of the Joint Staff to act as a general staff).

11. An opinion by a New York surrogate judge deals adequately, though not authoritatively, with the subject of whether the Presidency (as Commander in Chief) is a civilian or a military office. In the Surrogate's Court, Duchess County, New York, ruling of July 25, 1950, it was determined that the estate of Franklin D. Roosevelt was not entitled to tax benefits under sections 421 and 939 of the Internal Revenue Code, which extended certain tax benefits to persons dying in the military services of the United States. In

Executive was retained by Congress, which had control over appropriations of revenue and to make the rules for the government and regulation of the armed forces. Civilian control was in tact.[12]

---

that ruling the surrogate stated:

> The President receives his compensation for his services, rendered as Chief Executive of the Nation, not for the individual parts of his duties. No part of his compensation is paid from sums appropriated for the military or naval forces; and it is equally clear under the Constitution that the President's duties as Commander in Chief represents only a part of duties ex officio as Chief Executive [Article II, sections 2 and 3 of the Constitution] and that the latter's office is a civil office. [Article II, section 4 of the Constitution provides that 'The President, [Vice President] and All Civil Officers of the United States shall be removed from Office on Impeachment for, and Conviction of Treason, Bribery or other high Crimes and Misdemeanors'.... The last two War Presidents, President Wilson and President Roosevelt, both clearly recognized the civilian nature of the President's position as Commander in Chief. President Roosevelt, in his Navy Day Campaign speech at Shibe Park, Philadelphia, on October 27, 1944, pronounced this principle as follows:--'It was due to no accident and no oversight that the framers of our Constitution put the command of our armed forces under civilian authority. It is the duty of the Commander in Chief to appoint the Secretaries of War and Navy and the Chiefs of Staff.' ... On the general principle of civilian supremacy over the military , by virtue of the Constitution, it has recently been said: 'The supremacy of the civil over the military is one of our great heritages.' Duncan v. Kahanamoku, 324 U.S. 833 (1945), 14 L.W. 4205 at page 4210."

[Ref. 42, pp. 466-467.]

12. In saying this the term "civilian control" is finally defined in its purest, unadulterated from. Civilian control over the armed forces of the United States is the practice of the Constitutional provisions that the armed forces are commanded by the President--a civilian--and that they are organized, equipped and supplied as directed by the Congress--a body of civilians. It means nothing more nor less than that. [Ref. 6.]

The fact is that the Army, organized since 1904 using the general staff system modeled after the German system, did not threaten civilian control[13]. Nor was civilian control lessened by the absence of a huge bureaucratic--and mostly civilian--Office of the Secretary of Defense. In fact, in the entire history of the United States, there has not been one single case where military leaders usurped, attempted to overthrow, or challenged the authority of the duly elected Constitutional civilian authority.

a. Lincoln and his Generals

Abraham Lincoln was acutely aware of the political threat posed by various Union generals during the War Between the States. The tangled intrigues and machinations of men like McClellan, Butler, and Fremont were crucial not only for his own survival as president but for the maintenance of civilian control as well. This was true in late 1862 and early 1863 when rumors circulated concerning the dictatorial designs of Generals McClellan and Hooker.

During the war General-in-Chief George B. McClellan often expressed his disagreements with President Lincoln in strong, and frequently insulting terms. But when

13. The Army's general staff organization did not challenge civilian supremacy as evidenced by the absence of a single example of unconstitutional usurpation of power by the Army during this period.

Lincoln summarily relieved McClellan, the General--who could have seized Washington without opposition--accepted the relief without question. The Democrats nominated McClellan for President, but Lincoln, aided by important Union victories, easily defeated him. [Ref. 43.]

This example illustrates how Lincoln was challenged constitutionally and how unconstitutional usurpation of power by the military--even in an intense case--did not occur.[14]

---

14. In United States history the best example of unconstitutional misuse of military force was not done by a uniformed military officer but by a civilian President. Abraham Lincoln, at the beginning of the War Between the States in 1861, took unto himself powers far beyond any ever claimed by a Chief Executive:

> In late April, for security reasons, he authorized simultaneous raids on every telegraph office in the northern states, seizing the originals and copies of all telegrams sent or received during the past year. As a result of this and other measures, sometimes on no stronger evidence than the suspicions of an informer nursing a grudge, men were taken from their homes in the dead of night, thrown into dungeons, and held without explanation or communication with the outside world. Writs of habeas corpus were denied, including those issued by the Supreme Court of the United States. By the same authority, or in the absence of it, he took millions from the treasury and handed them to private individuals, instructing them to act as purchasing agents for procuring the implements of war at home and abroad. In early May, following the call for 75,000 militiamen, still without Congressional sanction, he issued a proclamation increasing the regular army by more that 20,000, the navy by 18,000, and authorizing 42,034 three-year volunteers. [Ref. 44, p. 67.]

Lincoln was challenged constitutionally by military officers, however. Lincoln was acutely aware of the political threat posed by various Union generals during the War. The tangled intrigues and machinations of men like McClellan, Butler, and Fremont were crucial not only for his

b. Truman and MacArthur

A contemporary example of the strength of the president against military assumptions of power is the firing of General Douglas MacArthur. In prosecuting the Korean War, MacArthur was dissatisfied with the limits placed on his military objectives. Eventually he began to complain publicly and relations between his headquarters and the White House grew more and more strained.

The situation drew to a head in March of 1951 when MacArthur, acting contrary to the president's preparations for truce negotiations, issued his own invitation and ultimatum.

Truman viewed this insubordination as unpardonable and exercise his Constitutional powers, relieving MacArthur of his commands. In the eyes of the public this act was a glaring controversy, stemming both from the fact that MacArthur was a hero of two generations and from the question of civil-military relations. The General never challenged the authority of the Commander in

---

own survival as president but for the maintenance of civilian control as well. This was true in late 1862 and early 1863 when rumors circulated concerning the dictatorial designs of Generals McClellan and Hooker. The political situation reached its nadir in 1864 when Lincoln admitted that the greatest threat to his reelection would come from a general. The Democrats nominated McClellan, but Lincoln, aided by important Union victories, easily defeated him. In his political struggles against his generals, Lincoln displayed superior ability as a strategist. [Ref. 43.]

Chief to relieve him, however, and the primacy of civilian control by the president was maintained. [Ref. 7, pp. 199-210.]

4. Lessons Learned from the American Experience

The United States Constitution, with its checks and balances, has provided a basis for civil-military relations which inherently opposes military usurpation of power. Even with the occurrence of certain erosions of Executive branch power, the primacy of the civilian over the military has been retained.

Historical examples demonstrate how, even in the most severe cases--such as those faced by Lincoln and Truman--the Constitutional power of the president has never been challenged. As well, legal judgments have shown that the president is himself unquestionably civilian in nature.

Finally, and perhaps most importantly, military seizure of power in the United States is not now, nor ever has been, in the character of the American military[15]. Throughout the Nation's history there has been little danger

15. Much has been written in the fields of military psychology and military sociology to support this claim. Rear Admiral Henry E. Eccles, U.S. Navy)Retired), states, "...we in the United States by our political and moral philosophy are committed to the furtherment of freedom." Eccles concludes that the concept of freedom is paramount and is an inherent characteristic of the American military. [Ref. 45, p. 19.]

Morris Janowitz shows how American soldiers have been, "...citizens rather than 'mere' subjects,..." and makes a similar conclusion of American military character. [Ref. 4, p. 71.]

of a military uprising in the United States because of the very nature of the military people themselves. This character was emphasized in the report from the Senate Committee on Armed Services on legislation which become the National Security Act of 1947. The report stated:

> The committee sees no danger of militarism in this unity of executive authority over the National Security Organization. Such fears are groundless. The safeguard against militarism in this country is not to be found in the costly confusion and inefficiency of uncoordinated executive agencies with confused lines of authority. It abides rather in the solid conviction of our people, and the basic democratic principle., that the leaders of the armed forces are subordinate to their civilian heads, and through them to the President, the Congress, and the people. Concentration of authority over the armed forces in a single civilian under the President, as provided for in this bill, will no more foster militarism than concentration of that authority in the President has fostered militarism throughout our national history. [Ref. 46, p. 16.]

More recently, this same characteristic was reiterated by Senator Carl Levin (D-Michigan), one who certainly cannot be considered a military "hawk." On the Senate floor during debate over the Goldwater-Nichols Act, he stated:

> This country has been blessed with a professional military who have accepted, observed, cherished the concept of civilian control. Through bad times and good, the military have never threatened this Republic. I cannot imagine that they ever will. [Ref. 47, pp. 14-15.]

C. THE GERMAN EXPERIENCE

In the United States, the change in the degree of civilian control, which began in 1947, was ironically not a result of problems experienced within the United States' military establishment. Rather, it resulted from study of the late nineteenth and twentieth century German military system which occurred in the wake of the Second World War. Policy analysts and military planners inspecting the German military system in the twentieth century identified what was believed to be severe threats to democratic government.[16] They saw lack of civilian control as the primary

---

16. Probably the best evidence of these concepts can be found in the hearings which preceded the National Security Act of 1947. For example, in testimony before the Senate Armed Services Committee, Vice Admiral Forrest Sherman, United States Navy, stated:

> An outstanding example of the antithesis of the American system was the German armed forces organization under Hitler'`s armed forces high command, which he created in 1939 in anticipation of World War II.
>
> The German organization was designed for authoritarian control in which rigid lines of authority would proceed direct from a supreme commander to and within operating units.
>
> ...This system was very costly of men but was designed for the authoritarian control which the German High Command sought, regardless of its flexibility....
>
> It is needless for me to point out that an "organization of the armed forces representing the most logical and efficient solution for an authoritarian state" would not be the most efficient solution for the [American armed forces.] [Ref. 48, p. 179.]

contributor, if not the cause, for German entry in to both World Wars.[17]

1. German Political-Military Affairs in World War One

The initiation of World War One has been attributed, at least in part, to the German General Staff's strategic plans. The Triple Entente between Russia, France, and Great Britain threatened Germany with enemies on both the eastern and western borders and thus established the potential for a two-front war. In response to this threat the German General Staff developed a plan for fighting on two fronts--the Schlieffen plan.[18] Expectations of how the war would break out led the General Staff to plan irreversible military acts which left the civilian minister's hands tied. [Ref. 49, p. 56.] As well, the necessities of military planning demanded attacks on France

17. James Joll, in his book describing the origins of World War One, goes so far as to state, "...the most important aspect of the role of the German army in the coming of war was its freedom from civilian political control." [Ref. 49, p. 61.] It is apparent that Joll attributes Germany's responsibility for the war, at least in part, to German militarism.

18. The Schlieffen Plan, named after the Chief of Staff at the time it was developed in 1905, General Alfred Graf von Schlieffen, called for a rapid "one-two punch" against France and Russia. In order to achieve a rapid victory over France, the German armies were to move through Belgium and the Netherlands so as to cross the French frontier where fortifications were weakest and thus envelope the French armies and eventually surround Paris. With France quickly defeated, German forces could then be concentrated in the east to destroy the Russian army as it slowly attempted to mobilize. [Ref. 49, pp. 40 & 83.]

(even though the war was initiated by Russia in support of Serbia) and the violation of Belgium and The Netherlands. [Ref. 50, p. 44.]

The key point here is that the Schlieffen plan significantly locked the German politico-military machine into a pre-determined course of action. The German ambassador to Russia recognized this during the 1914 crisis when he said, "...once the button is pressed and the machinery of mobilization set in motion there is no stopping it." [Ref. 51.] Once it started, the freedom of action of the civilian ministers was limited by the strategic plans and decisions of the General Staff [Ref. 49, p. 7]. The Kaiser himself, however, did not learn the limits of his power until his Chief of Staff, Helmuth von Moltke, told him that to conduct a concentrated assault on Russia without first attacking France per the Schlieffen plan would leave his entire army in disarray [Ref. 49, p. 22].

As the Great War progressed, control of Germany's military machine grew stronger and eventually appeared to develop a will of its own. The Kaiser's reaction to military losses in 1916 was to appoint General Paul von Hindenburg, as chief of staff, and General Erich von Ludendorff, as first quartermaster general, to a virtual dictatorship [Ref. 52, p. 118]. Ultimately, Germany ceased to be in any sense a civilian empire on January 9, 1917 when Chancellor Bethmann Hollweg surrendered to the demand which

he had resisted for three years, to wage unrestricted submarine warfare. Thereafter the admirals and Ludendorff were in charge. [Ref. 53, p. 107.]

The lesson perceived from the history of the German military system in World War One was that the modern German nation was, in one sense, the creation of Prussian militarism [Ref. 53, p. 118]. To cure this ill the Treaty of Versailles was to dissolve the brain and nerve center of the army, the German General Staff [Ref. 54, p. 18].

2. Versailles, the Inner-War Years, and World War Two

Until 1918, Germany was able to block what was considered in the west to be the minimum requirement for representative government. namely, the principle of ministerial responsibility and effective parliamentary control over state administration and policy. After the signing of the Treaty of Versailles and the adoption of the Weimar republic the German army had to accept, for the first time in its long history, a civilian minister of war [Ref. 55, pp. xiv & xviii]. The new structure was of small impact, however. The military establishment that remained distanced itself from civilian culture during the Weimar period. The German army, in fact, created "a state within a state." [Ref. 52, p. 141.] Such a system was well established by the time the republic had ripened for Adolf Hitler's right-wing subversion in 1933.

This is not meant to imply that authority over the military forces of Germany at once came to Hitler. The reality was quite the contrary. In fact, as late as 1938, General Hermann Goering tried himself to secure control of the army but Hitler prevented it; his argument being that such a concentration of power would have been too great [Ref. 54, p. 74]. In retrospect it is easy to recognize that Hitler really meant such a concentration of power, in someone other that himself, would have been too great.

Germany in the 1930s may not have been as much a case of the military complex subverting civilian control as it was a case of the civilian leader, Hitler, subverting the military. Hitler allowed the armed services to retain their professional independence until the late 1930s but then moved gradually and insidiously to undermine military authority until he eventually reduced the General Staff and German Army headquarters to mere technical duties and usurped their responsibilities for decision and command in his own person.[19] For the professional officer corps the

---

19. According to Bell:

> ... the evidence is that Hitler did not proceed from calculations of military preparedness, still less from the advice of the General Staff, but from his own convictions as to what the army should be made ready to do [Ref. 54, p. 194].

Furthermore, there is considerable evidence that, contrary to what one would expect, it was Hitler, not the army or the General Staff, who conceptualized Blitzkrieg [Ref. 52, p. 163].

Hitlerian period was marked by a long series of humiliations [Ref. 55, p. xix]. After the 1939 Czechoslovakian coup it was rare that Hitler would allow recommendations made by military advisors to supersede his own preferences.[20]

3. Lessons Learned from the German Experience

The German Experience during the first half of the twentieth century shows examples, not of military usurpation of power, but of the dilemmas of foreign and domestic policies and political subversion. The inability of German politicians to maintain a Bismarck-styled balance of power in the early twentieth century may have placed German military planners in such a situation that the Schlieffen Plan was the only, or at least the best, way to a safe defense. It is incorrect to place the entire blame on the military planners for developing plans in the shadow of a foreign policy incompatible with the political security of the German state.

Consequently, it is difficult to see how the military system was responsible for dragging Germany into

---

20. In explaining the Munich conference, Bell states:

> The reluctance of the Czechs to opt for almost certain suicide by triggering off a general war may be readily understood. It was Hitler's last-minute refusals to take the risk of war, and to opt instead for the lesser gain from a conference, which was surprising. Counsels of caution, both from the professional soldiers and from Goering, prevailed. Hitler later came to regret his decision, and was determined not to repeat it over Poland in 1939. [Ref. 54, pp. 242-243.]

the Second World War when, in fact, Hitler, a civilian, had subverted both the Weimar Constitution and the high command and, at least by the late 1930s, was making strategic military decisions himself.[21]

As the examples show, the absence of civilian command below the level of the Kaiser did not cause the First World War, nor did Hitler's civilian nature prevent subversion of the legitimate German administration (including the military itself). The German military, with its excellent general staff system, was not the cause of German aggression in either the First or the Second World War. Rather, the strong, centrally-controlled military force topped by a professional general staff which had operational control allowed greater security and flexibility to the government's executive.

D. THE PHOBIA: ITS EFFECT

Upon reviewing the American civil-military experience it becomes clear that military usurpation of power in the United States has never been a problem. Such action would

---

21. According to Brian Bond:

> Hitler allowed the armed services to retain their professional independence until the latter 1930s but then moved gradually and insidiously to undermine their authority until he eventually reduced the general staff and army headquarters to mere technical duties and usurped their responsibilities for decision and command in his own person. [Ref. 52, p. 158.]

be contrary to the cultural, sociological and traditional characteristics involved in American civil-military relations. Further, by inspecting the German experience, it becomes increasingly curious why the need for reform in the direction of more civilian control has been deemed necessary in the post-World War Two period.

As pointed out in Chapter II, military power, cohesiveness, and organization have been deliberately and steadily undermined, starting in 1947 and continuing to the present. Specific prohibitions against general staff organization, increased powers of appointed civilian officials, and confusion over operational and administrative roles have all been conducted in the interest of solving a problem the United States has never had.

It is true that skepticism in the dialog on the part of the American people and their leaders as to how best to prevent the misuse of military power is unquestionably healthy and necessary in ensuring the maintenance of a free society. When that skepticism turns to unwarranted anxiety and phobia of militarism, however, that dialog can easily become detrimental to the very security of the nation. By overreacting, beginning in 1947,[22] to a situation which

22. That "overreaction" being the parts of the 1947 National Security Act and subsequent modifications thereto including the Goldwater-Nichols Act. These measures drastically increased civilian control at the expense of the degree of military control which had been proven safe to the nation and necessary for efficient operation of the armed forces (e.g., by implementing such things as specific

developed in Germany under an entirely different set of circumstances and by failing to correctly assess the American experience on its own merits, the security of the United States has been actually reduced with a less efficient military force which is micro-managed by civilians at not one, but many, layers in the military hierarchy.

There is little doubt that the impact of these historical misinterpretations will continue to be far reaching.[23] Given the nature of the American political system, reform to allow a general staff system and lessen

---

prohibition of the Joint Staff to act as a general staff).

23. For example, even the debate concerning the most recent legislation focuses on the German experience. Senator Carl Levin (D-Michigan), in a May 7, 1986 statement on the Senate floor concerning the bill which was to become the Goldwater-Nichols Act, said:

> Some with little knowledge of this bill and less knowledge of history may declare that we have created a general staff similar to that of the Prussian and German general staffs. We have not. The German staff was not an organizational phenomenon. The German general staff, which was not a national military staff, was a creation of the German Army. Through a highly competitive process officers were selected and trained as members of the general staff. Their careers were monitored and developed separately from the large majority of the officers in the German Army. They were the elite of the German Army. Whether one approves or disapproves of this procedure, we have not created such an elite corps of officers in our military. Officers assigned to Joint Staff positions whether in Washington or elsewhere will be assigned by their parent services from among all the officers available and qualified for such assignments. [Ref. 56, p. S 5492.]

civilian "over-control" is unlikely to occur.[24] Even if it does, however, the American military, due to informal, non-statutory elements, will continue to be an institution which is not a threat to the free democratic republic. These elements--the unlikelihood of real reform and the informal element of the American military--will be addressed in the concluding chapter.

---

24. A statement by Senator Sam Nunn (D-Georgia) emphasizes this point:

> The concept of civilian control of the military is firmly ingrained in our Defense Establishment. Nevertheless, the committee [on Armed Services] was very careful to recommend only changes [to the National Security Organization] that would either preserve or strengthen civilian control. [Ref. 56, p. S 5474.]

V. CONCLUSION

A. THE MYTH DESTROYED

In studying the history and development of the National Military Establishment and the concept of civilian control certain key points have been developed. First, in a free society military power must be subordinate to political purpose. The usurpation of power by the military must not be allowed to occur. Second, the Constitution of the United States establishes civilian control of the military by appointing the President Commander in Chief of all military forces. Third, there is no question that the Presidency is a civilian post. Fourth, the United States Constitution prevents usurpation and misuse of military power by balancing the executive role in operating the military forces with the legislature's role in funding the forces and declaring war. Fifth, although there have frequently been frictions, there has never been a case in the history of the United States where the uniformed military has challenged the Constitutional authority of the civilian President over the armed forces. Sixth, a general staff system of military organization does not threaten the Constitutional authority of the President as Commander in Chief, nor does it threaten the role of Congress in appropriating funds or declaring

war. The War Department successfully operated using a General Staff from 1903 to 1947 without ever usurping Constitutional authority. Seventh, the wrong lesson was learned from studying the German example. The German General Staff system did not fail the German political system. Rather, just the opposite occurred.

From a reasonable consideration of these points it seems that there is little foundation for arguments against a more streamlined National Military Establishment with a uniformed military operational chain of command which reports directly to the President. There also seems to be little rational evidence against a proven general staff system. Furthermore, it has been shown that the phobia about losing civilian control of military power in the United States is unfounded--that the historical experiences of the United States should go far in countering the myth of military usurpation of power.

B. WHY CHANGE IS UNLIKELY IN A NUCLEAR WORLD

The probability is low that civilian control within the United States National Military Establishment will be reduced. This is primarily due to the change in the nature of warfare since World War Two. The availability of weapons of mass destruction means the probability of all-out global war has been reduced while the limited application of

military force to obtain certain limited political objectives is greater that ever before. The Korean conflict and particularly the war in Vietnam demonstrate this concept of limited, or undeclared, war.

Political leaders understand that military officers have traditionally seen their role more in terms of defending the continental United States against aggression than in advancing political goals throughout the world.[1]

---

1. In two separate essays, author Barbara W. Tuchman summarizes how the goals and purposes of the United States military have changed since World War Two. In an article in the New York Times in 1972, Tuchman explains why war is no longer unrestricted:

> Contrary to the general impression, nuclear fire power, because it is too lethal to use, has reduced, not enlarged, the scope of war, with the secondary and rather sinister result that while unlimited war is out, limited war is in, not as a last resort in the old-fashioned way, but as the regular, on-going support of policy.
>
> This development means that the military arm will be used more for political and ideological ends than in the past, and that because of chronic commitment and the self-multiplying business of deterrence and a global strategy of preparedness for two and a half wars--or whatever is this week's figure--the technological, industrial, and governmental foundations for this enterprise have become so gigantic, extended, and pervasive that they affect every act of government and consequently all our lives. [Ref. 57, p. 262.]

In a subsequent address to the United States Army War College, Tuchman hits upon the key element which has been displaced in our politico-military system today--what is the legitimate purpose of the military? She states:

> In short, the mission of the military in this sociopolitical era is to be counter-revolutionary, otherwise the thwarting of communism or, if euphemism is preferred, nation-building, Vietnamizing, or perhaps Pakistanizing or Africanizing some willing or unwilling client. This is quite a change from defense of the

Those political leaders, therefore, clearly recognize the need for absolute control over the military if such political goals are to be brought to fruition. A strong uniformed chain of command under a strong Commander in Chief could be a threat to the limited conflict interventionist policies of many United States leaders today. Indeed, debacles such as Vietnam would be much less likely without strong civilian control.[2] After all, what uniformed military officer would support going into battle knowing that the object was something other than to win?[3] The change in style of warfighting--from all-out war to limited conflicts--then, has made strong civilian control at many levels within the hierarchy an even more desirable system.

---

continental United States which the founders intended should be our military's function. [Ref. 58, p. 282.]

2. Retired Lieutenant General Victor H. Krulak, USMC goes so far as to essentially blame the Vietnam debacle on a single civilian--Secretary of Defense Robert S. McNamara. See "Growth of a Gargantua." [Ref. 19, pp. 81-104.]

3. Evidence of the reluctance to fight wars not meant to be won is not limited to the uniformed military. In a 1986 article in Foreign Affairs magazine, Secretary of Defense Casper Weinberger outlined six "tests" for determining whether military force should be employed. The second test listed by Weinberger was,

> -Should the United States decide that it is necessary to commit its forces to combat, we must commit them in sufficient numbers and with sufficient support to win. If we are unwilling to commit the forces or resources necessary to achieve our objectives, or if the objective is not important enough so that we must achieve it, we should not commit our forces. [Ref. 59, p. 686.]

With this strong urge for greater control there is little chance that efforts to reduce civilian control will have any success.

C. THE INFORMAL ELEMENT

Although reduction in civilian control might not be convenient to interventionist policies in a limited-conflict world, it certainly would not be dangerous to the maintenance of America as a free and democratic republic. In addition to the Constitutional and traditional elements which ensure civilian control, the informal, or non-statutory, element of the American military would also continue to keep its power in check.

This informal element is the product of several American characteristics. One is the traditional openness of the American military. The source of the men in uniform is American society--an open and self-critical society.[4] This helps the military itself to remain open.

---

4. Granted this element may not always be consistent. The military draft of the Vietnam era used as its source primarily the lower socio-economic stratum of society. Now, with the all-volunteer force, the military draws on a different segment of the population to fill its ranks. Nevertheless, in general and subjective terms, and compared to other nations, the American military draws people from, and returns them to, an open civilian society. This must have a positive affect on keeping the military itself open.

Another American institution is the "fourth" branch of government--the press. Although the press has always had impact on American policy and use of military force, its impact has been particularly strong since World War Two. This is due to increased technological sophistication which allows events in the field to be reported on almost instantaneously. The press had a far reaching impact on United States actions in Korea and Vietnam simply through rapid reporting of events and the subsequent capability to provide a critical forum for discussing ongoing operations. Additionally, the use of television during the Vietnam conflict made daily events part of the average American's evening news. Just as the press has been a check on the political forces of the nation, it has also become a check on military power as well.

A third American characteristic is the highly developed military-industrial complex.[5] A technologically sophisticated interwoven fabric of cooperation between the military users and the industrial suppliers provides a balance in power stronger than that which could be imposed from an external source such as legislation. Part of this fabric is the result of increased commerce of officers

5. Morris Janowitz points out that technological developments have, "...had the effect of 'civilianizing' military institutions and of blurring the distinction between the civilian and the military." [Ref. 60, p. 34.]

between the uniformed military and the civilian think tanks which has developed since World War Two. As a result, many of those civilians who are providing guidance on military issues understand the military mind, the problems of the uniformed military, and the best methods of preventing creeping militarism. Likewise, the uniformed military (particularly the officer corps) see their own future personal livelihood in terms of defense-related civilian employment.[6] Consequently, they do not want to see develop a system where only the uniformed military have authority and control.

D. CONCLUSION: THE AMERICAN MILITARY--NOT A THREAT TO THE FREE SOCIETY

The informal element, along with the Constitutional formal element previously described, are adequate to ensure that military power in the United States will remain

---

6. As pointed out by Albert D. Biderman in his essay "Sequels to a Military Career: The Retired Military Professional:"

> The role of retired U.S. military personnel in civilian life raises broader questions now than in the past. As compared with any previous time, there are presently far more retired military men with far greater involvement in more non-military pursuits for greater proportions of their lives. [Ref. 61, p. 287.]

The result is that greater numbers of former military men will be pursuing second careers in defense related fields.

subservient to national policy goals and objectives. It is not necessary to permeate the military hierarchy with civilian control by legislation. Reform of the defense establishment--whether it be the re-establishment of a general staff or other such change--should proceed from this realization in order to provide for the most effective defense of the nation.

Military seizure of power in the United States is not now, nor ever has been, in the character of the American military. Throughout the Nation's history there has been little danger of a military uprising in the United States because of the very nature of the military people themselves. The concept of civilian control of the military is firmly ingrained in the United States military establishment--not because of any particular statute, but because of the character of the people who make up the defense establishment. It has been this way since the days of George Washington, has survived the times of men like McClellan and MacArthur, and is as strong as ever in today's nuclear age. The people who make up the defense establishment realize, as they always have, that they are not an elite and segregated group. Rather, they understand that they are first and foremost citizens of the United States and apply that understanding in their service to the nation.

As former Chairman of the Joint Chiefs of Staff, General John W. Vessey, U.S. Army, stated in an address to the 1984 Naval War College class:

> ...our military, springing from the society it serves and is sworn to defend, embodies the principles that govern the society. We, the military, are a part of "We the people." That is why our military forces have never produced a man on horseback; why the military forces have not been involved in the political affairs of the nation; and, why they have not strayed form the narrow path of defending the Constitution as it was originally intended--that is, protecting the society and not policing the society. [Ref. 62, pp. 14-15.]

The American military will, as it always has, carry out its duties to the Constitution, the American people, and those officials who have been elected to lead.

LIST OF REFERENCES

1. Scott, John, Major U.S.A.F., "Organizing for National Security", USAF and Force Employment: The USAF's Role in National Security and the Threat, U.S.A.F. Air University, 1982.

2. Ingram, Samuel P., Captain, U.S. Naval Reserve, "Civilian Command or Civilian Control?", U.S. Naval Institute Proceedings, v. 94(5), May, 1968.

3. Goldwater, Barry, "Can Civilians Run Our Wars? Goldwater Has His Say", U.S. News and World Reports, March 19, 1984.

4. Janowitz, Morris, Military Conflict: Essays in the Institutional Analysis of War and Peace, Sage Publications, 1975.

5. Goldwater-Nichols Department of Defense Reorganization Act of 1986, Pub. L. No. 99-433, October 1, 1986.

6. Dupuy, Trevor N., "Civilian Control and Military Professionalism: A Systemic Problem", Officership: Unique Aspects of the MIlitary Profession. U.S.A.F. Air University, 1982.

7. May, Ernest R., editor, The Ultimate Decision: The President as Commander in Chief, George Braziller, Inc., 1960.

8. Hitch, Charles J., Assistant Secretary of Defense, Decision Making in the Defense Department,paper presented at the Gaither Memorial Lectures, University of California, April 5-9, 1963.

9. Destler, I.M., Presidents, Bureaucrats, and Foreign Policy, Princeton University Press, 1972.

10. Cutler, Robert, "The National Security Council under President Eisenhower", reprinted from The National Security Council, edited by Senator Henry M. Jackson, based on testimony delivered to the Subcommittee on national Policy Machinery in executive session, May 24, 1960.

11. Armed Forces Staff College, AFSC Pub 1, Joint Staff Officer's Guide, National Defense University, 1985.

12. Army Reorganization Act of 1903, Public Law No. 57-553, 32 Stat 830, February 14, 1903.

13. War Department, Five Years of the War Department Following the War with Spain as shown in the Annual Reports of the Secretary of War, 1899-1903, 1904.

14. Hittle, James Donald, The Military Staff, Its History and Development, 3rd ed., The Stackpole Company, 1961.

15. Costello, Daniel Joseph, Planning for War: A History of the General Board of the Navy, 1900-1914, Ph.D. Dissertation, Fletcher School of Law and Diplomacy, 1968.

16. Hammond, Paul Y., Organizing for Defense: The American Military Establishment in the Twentieth Century, Princeton University Press, 1961.

17. National Defense Act of June 3, 1916, Pub. L. No. 64-134, 39 Stat 166, June 3, 1916.

18. Army Reorganization Act of June 4, 1920, Pub. L. No. 66-227, 41 Stat 759, June 4, 1920.

19. Krulak, Victor H., Organization for National Security: A Study, United States Strategic Institute, 1983.

20. United States Joint Chiefs of Staff, The Evolving Role of the Joint Chiefs of Staff in the National Security Structure, Historical Division, Joint Secretariat, July 7, 1977.

21. National Security Act of 1947, Pub. L. No. 80-253, 61 Stat 495, July, 26, 1947.

22. Army-Navy Journal, April 3, 1948.

23. United States House of Representatives, Hearings before the Committee on Armed Services, Full committee hearings on S. 1843, to convert National Military Establishment into executive department of government, to be known as Department of Defense, to provide Secretary of Defense with appropriate responsibility and authority, and with civilian and military assistants adequate to fulfill his enlarged responsibility, H.A.S.C. No. 81-95, Government Printing Office, 1949.

24. National Security Act Amendments of 1949, Pub. L. No. 81-216, 63 Stat 578, August 10, 1949.

25. United States House of Representatives, Message from the President of the United States transmitting Reorganization plan no. 6 of 1953, relating to Department of Defense, April 30, 1953, House Document 83-136, Government Printing Office, 1953.

26. United States House of Representatives, Recommendations relative to our entire defense establishment, message from the President of the United States, April 3, 1958, House Document 85-366, Government Printing Office, 1958.

27. Department of Defense Reorganization Act of 1958, Pub. L. No. 85-599, 72 Stat 514, August 6, 1958.

28. Schratz, Paul R., and others, Evolution of the American Military Establishment Since World War II, George C. Marshall Research Foundation, 1978.

29. Hitch, Charles J., and McKean, Roland N., The Economics of Defense in the Nuclear Age, Atheneum, 1986.

30. United States House of Representatives, Hearings before the Investigations Subcommittee of the Committee on Armed Services, Reorganization Proposals for the Joint Chiefs of Staff , H.A.S.C. No. 98-8, Government Printing Office, 1983.

31. United States House of Representatives, Hearings before the Investigations Subcommittee of the Committee on Armed Services, Reorganization Proposals for the Joint Chiefs of Staff--1985, H.A.S.C. No. 99-10, Government Printing Office, 1985.

32. United States House of Representatives, Report from the Committee on Armed Services, Joint Chiefs of Staff Reorganization Act of 1983, House Report No. 98-382, (to accompany H.R. 3718), Government Printing Office, 1984.

33. United States House of Representatives, Report of the Committee on Armed Services, Joint Chiefs of Staff Reorganization Act of 1985, House Report 99-375 (to accompany H.R. 3622), Government Printing Office, 1985.

34. United States House of Representatives, Hearings before Investigations Subcommittee of the Committee on Armed Services, Reorganization Proposals for the Joint Chiefs of Staff, H.A.S.C. No. 97-47, Government Printing Office, 1985.

35. President's Blue Ribbon Commission on Defense Management, A Quest for Excellence: Final Report to the President, by David Packard, and others, June 1986.

36. United States Defense Department, Office of the Secretary of Defense, Management Study of the Office of the Secretary of Defense, Deputy Assistant Secretary of Defense (Administration), October 1987.

37. Barrett, Archie D., "Organization and JCS Reform", The Bureaucrat, Fall 1983.

38. United States House of Representatives, National Security Organization, letter from the chairman, Commission on Organization of the Executive Branch of Government, transmitting to the Congress a study prepared for the Commission's consideration on the National Security Organization in the Federal Government, Government Printing Office, February 28, 1949.

39. Schlesinger, Arthur, Jr., "Britain's Stiff-Upper-Lip Scandal", The Wall Street Journal, May 11, 1987.

40. Hamilton, Alexander, Madison, James, and Jay, John, The Federalist, edited by B.F. Wright, The Belknap Press of Harvard University, 1961.

41. Helprin, Mark, "The Imperial Congress", The Wall Street Journal, April 19, 1987.

42. United States Senate, The Constitution of the United States of America, Analysis and Interpretation, Annotations of Cases decided by the Supreme Court of the United States to June 29,1972, Senate Document 92-82, Government Printing Office, 1973.

43. Horowitz, Murray M., "That Presidential Grub: Lincoln Versus His Generals", Lincoln Herald, 1977.

44. Foote, Shelby, The Civil War: A Narrative, Random House, 1958, Volume 1.

45. Eccles, Henry Effingham, Rear Admiral, U.S. Navy (Retired), Military Power in a Free Society, Naval War College Press, 1979.

46. United States Senate, Report of the Committee on Armed Services, National Security Act of 1947, (to accompany S. 758), Government Printing Office, June 5, 1947.

47. United States Congress, Congressional Record, Vol. 132, No. 121, Government Printing Office, September 16, 1986.

48. United States Senate, Hearings before the Committee on Armed Services, National Defense Establishment, (on S. 758), part 1, March 18-April 3, 1947, Government Printing Office, 1947.

49. Joll, James, The Origins of the First World War, Longman, Inc., 1984.

50. Ferro, Marc, The Great War, 1914-1918, Routledge and Kegan Paul, 1973.

51. Friedrich Graf Pourtal'es, Meine letzte Unterhandlungen in Sankt Petersburg, (Berlin), 1927, p. 27, quoted in Albertini, L., The Origins of the War of 1914, (London), 1953, Volume II, p. 481.

52. Bond, Brian, War and Society in Europe, 1870-1970, Oxford University Press, 1986.

53. Johnson, Paul, Modern Times: The World form the Twenties to the Eighties, Harper & Row, 1983.

54. Bell, P. M. H., The Origins of the Second World War in Europe, Longman, Inc., 1986.

55. Craig, Gordon Alexander, The Politics of the Prussian Army, 1640-1945, Oxford University Press, 1956.

56. United States Congress, Congressional Record, Vol. 132, No. 60, May 7, 1986, Government Printing Office.

57. Tuchman, Barbara W., "The Citizen Versus the Military", Commencement Address, Williams College, June 1972, reprinted in Practicing History, Ballantine Books, 1981.

58. Tuchman, Barbara W., "Generalship", Address, U.S. Army War College, April 1972, reprinted in Practicing History, Ballantine Books, 1981.

59. Weinberger, Casper, "U.S. Defense Strategy," Foreign Affairs, Spring 1986.

60. Janowitz, Morris, Sociology and the Military Establishment, Sage Publications, 1947.

61. Janowitz, Morris, The New Military: Changing Patterns of Organization, Russell Sage Foundation, 1964.

62. Vessey, John W., General, U.S. Army, "A Concept of Service", Naval War College Review, Nov.-Dec. 1984.

BIBLIOGRAPHY

Abrahamsson, Bengt, Military Professionalization and Political Power, Sage Publications, 1972.

"American Foreign Policy in the Nixon Era", Adelphi Papers, No. 110, Institute for Strategic Studies, 1975.

Barlow, Jeffrey G., and others, Reforming the Military, The Heritage Foundation, 1981.

Barrett, Archie D., "Organization and JCS Reform", The Bureaucrat, Summer 1983.

Barrett, Archie D., Reappraising Defense Organization: An Analysis Based on the Defense Organization Study of 1977-1980, National Defense University Press, 1983.

Caraley, Demetrios, The Politics of Military Unification, Columbia University Press, 1966.

Coletta, Paolo E., "The Defense Unification Battle, 1947-50: The Navy", Prologue, Vol. 7, No. 1, Spring 1975.

Collins, John M., U.S. Defense Planning: A Critique, Westview Press, 1982.

Destler, I.M., Presidents, Bureaucrats, and Foreign Policy, Princeton University Press, 1972.

Dupuy, Trevor Nevitt, Colonel, U.S. Army (Retired), A Genius for War: The German Army and General Staff, 1807-1945, Prentice-Hall, Inc., 1977.

Etzold, Thomas H., Defense or Delusion: America's Military in the 1980s, Harper and Row, 1982.

Foote, Shelby, The Civil War: A Narrative, Vol. 1, Random House, 1958.

Furer, Julius Augustus, Rear Admiral, U.S. Navy (Retired), Administration of the Navy Department in World War II, Government Printing Office, 1959.

Goerlitz, Walter, History of the German General Staff, 1657-1945, Praeger, 1959.

Gruetzner, James K., Lieutenant Commander, U.S. Navy, and Caldwell, William, Major, U.S. Army, "DOD Reorganization", Proceedings of the U.S. Naval Institute, Vol. 113, No. 5, May 1987.

Hanne, William G., "An Armed Forces Staff", Parameters, Vol. XII, No. 3, September 1982.

Haynes, Richard F., "The Defense Unification Battle, 1947-50: The Army", Prologue, Vol. 7, No. 1, Spring 1975.

Herzog, Arthur, The War-Peace Establishment, Harper and Row, 1963.

Hoxie, R. Gordon, Command Decision and the Presidency, Reader's Digest Press, 1977.

Katz, David, "The Network Overlay: Helping Large Bureaucracies Do Things Better:, The Bureaucrat, Vol. 9, No. 3, Fall 1980.

Keiser, Gordon W., The U.S. Marine Corps and Defense Unification, 1944-47: The Politics of Survival, National Defense University Press, 1982.

Kissinger, Henry A., and others, Problems of National Strategy, Frederich A. Praeger, 1965.

Knorr, Klaus, and Morgenstern, Oskar, Political Conjecture in Military Planning, Center of International Studies, Princeton University, November 1968.

Koistinsen, Paul A.C., The Military-Industrial Complex: A Historical Perspective, Praeger, 1980.

Korb, Lawrence J., "Service Unification: Arena of Fears, Hopes, and Ironies", Proceedings of the U.S. Naval Institute, Vol. 104, No. 5, May 1978.

Kronenberg, Philip S., and others, Planning U.S. Security: Defense Policy in the Eighties, Pergamon Press, 1982.

Laurent, Francis W., Organizing for Military Defense of the United States, 1789-1959, National Securities Study Group at the University of Wisconsin, December, 1960.

Lemnitzer, Lyman L., General, U.S. Army, and others, A Report by Committee on Civilian-Military Relationships, Hudson Institute, Inc., September 17, 1984.

Logan, John Alexander, The Great Conspiracy: Its Origin and History, A.R. Hart and Co., 1886.

Luttwak, Edward N., The Pentagon and the Art of War, Simon and Schuster, 1984.

Lynn, William J., and Posen, Barry R., "The Case for JCS Reform", International Security, Vol 10, No. 3, Winter 1985-86.

McKitrich, Jeffrey S., Major, U.S. Army, Reforming the Joint Military Establishment, Naval War College, June 1985.

Martineau, David L., Rear Admiral, U.S. Navy (Retired), "1947--A Very Good Year", Proceedings of the U.S. Naval Institute, Vol. 103, No. 9, September 1977.

Millett, Allan R., and others, The Reorganization of the Joint Chiefs of Staff: A Critical Analysis, Institute for Foreign Policy Analysis, Inc., 1986.

Millett, Allan R., Murray, Williamson, and Watman, Kenneth H., "The Effectiveness of Military Organization", International Security, Vol. II, No. 1, Summer 1986.

Millis, Walter, The Forrestal Diaries, The Viking Press, 1951.

Morris, Richard Brandon, Witnesses at the Creation, Holt, Rinehart, and Winston, 1985.

Murray, Williamson, "JCS Reform: A German Example?", Naval War College Review, Vol. XXXVIII, No. 6, November-December 1985.

Nelson, Otto Lauren, Jr., Major General, National Security and the General Staff, Washington Infantry Journal Press, May 1946.

Norris, Alice L., A General Staff for the United States? A Look at Some Problems of the JCS and Some Suggested Reforms, Air University, May 1984.

Owens, MacKubin Thomas, " The Hollow Promise of JSC Reform", International Security, Vol. 10, No. 3, Winter 1985-86.

Ropp, Theodore, War in the Modern World, Duke University Press, 1959.

Rosinski, Herbert, The German Army, Frederich A. Praeger, 1966.

Stupak, Ronald J., "Defense Management: Innovations and Realities", The Bureaucrat, Spring 1979.

Summers, Harry G., Jr., On Strategy: The Vietnam War in Context, U.S. Army War College Strategic Studies Institute, April 1981.

Tarpey, John F., Captain, U.S. Navy (Retired), "Uncle Carl", Proceedings of the U.S. Naval Institute, Vol. 108, No. 1, January 1982.

Trager, Frank N., "The National Security Act of 1947: Its Thirtieth Anniversary", Air University Review, Vol. 29, No. 1, November-December 1977.

United States Congress, Conference Report, Defense Reorganization Act, (to accompany H.R. 12541), Government Printing Office, July 23, 1958.

United States Congress, Congressional Record, Vol. 131, No. 160, Government Printing Office, November 20, 1985.

United States House of Representatives, Committee on Armed Services, National Security Act of 1947 as Amended Through September 30, 1973, H.A.S.C. No. 93-21, Government Printing Office, 1973.

United States House of Representatives, Department of Defense Reorganization bill of 1958, communication from President of United States transmitting draft of legislation entitled to promote national defense by providing for reorganization of Department of Defense and for other purposes, Government Printing Office, April 16, 1958.

United States House of Representatives, Hearings before the Committee on Armed Services, Reorganization of Department of Defense, (pursuant to H.R. 11001, H.R. 11002, H.R. 11003, H.R. 11958, H.R. 12541), Government Printing Office, 1958.

United States House of Representatives, Hearings before the Committee on Expenditures in the Executive Departments, National Security Act of 1947, (on H.R. 2319), June 27, 1947, (printed for the use of the Committee on Government Operations and the Permanent Select Committee on Intelligence, Government Printing Office, 1982).

United States House of Representatives, Message From The President To The United States Transmitting His Views On The Future Structure And Organization Of Our Defense Establishment And The Legislative Steps That Should Be Taken To Implement Defense Reforms, House Document 99-209, Government Printing Office, 1986.

United States House of Representatives, Report of the Committee on Armed Services, Bill Nichols Department of Defense Reorganization Act of 1986, House Report 99-700 (on H.R. 4370), Government Printing Office, 1986.

United States House of Representatives, Report of the Committee on Armed Services, Department of Defense Reorganization Act of 1958, (to accompany H.R. 12541), Government Printing Office, May 22, 1958.

United States Joint Chiefs of Staff, Chronology, Functions and Composition of the Joint Chiefs of Staff, Historical Division, Joint Secretariat, January 1979.

United States Military Academy, Senior Conference XX Background Pamphlet, The Military Reform Debate: Directions for the Defense Establishment for the Remainder of the Century, 3-5 June 1959.

United States Senate, Hearings before the Committee on Armed Services, Department of Defense Reorganization Act of 1958, Government Printing Office, 1958.

United States Senate, Hearings before the Subcommittee on National Policy Machinery of the Committee on Government Operations, Organizing for National Security, Government Printing Office, 1961.

United States Senate, Report of the Committee on Armed Services, Department of Defense Reorganization Act of 1958, (to accompany H.R. 12541), Government Printing Office, July 17, 1958.

United States Senate, Report of the Committee on Armed Services, Department of Defense Reorganization Act of 1986, Senate report No. 99-280, (to accompany S. 2295), Government Printing Office, 1986.

Wolk, Herman S., "The Defense Unification Battle, 1947-50: The Air Force", Prologue, Vol. 7, No. 1, Spring 1975.

INITIAL DISTRIBUTION LIST

		No. Copies
1.	Defense Technical Information Center Cameron Station Alexandria, Virginia 22304-6145	2
2.	Superintendent Attn: Library, Code 0142 Naval Postgraduate School Monterey, California 93943-5002	2
3.	Department Chairman, Code 56 Department of National Security Affairs Naval Postgraduate School Monterey, California 93943	1
4.	Center for Naval Analyses 2000 North Beauregard Street P.O. Box 11280 Alexandria, Virginia 22311	1
5.	Professor Frank M. Teti, Code 56Tt Department of National Security Affairs Naval Postgraduate School Monterey, California 93943	1
6.	Professor Edward J. Laurance, Code 56Lk Department of National Security Affairs Naval Postgraduate School Monterey, California 93943	1
7.	LT. Joseph Bruce Hamilton, U.S. Navy 9962 Larchbrook Drive Dallas, Texas 75238	3

Thesis
H163745 Hamilton
c.1 Civilian control and the American military: myths and realities.

Thesis
H163745 Hamilton
c.1 Civilian control and the American military: myths and realities.

AMERICAN BINDERIES

thesH163745
Civilian control and the American milita
3 2768 000 76882 4
DUDLEY KNOX LIBRARY